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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

10 MICHAEL AARON KAMBERGER,

11 Plaintiff,

12 v.

13 DEPARTMENT OF CORRECTIONS et al.

14 Defendants.

CASE NO. C11-5967-BHS-JRC

ORDER DENYING PENDING  
MOTIONS

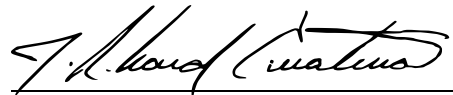
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16 This 42 U.S.C. § 1983 civil rights action has been referred to the undersigned Magistrate  
17 Judge pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judge Rules MJR 1,  
18 MJR 3, and MJR 4. Plaintiff is challenging his current conviction by filing this action in which  
19 he alleges that his state right to have other pending charges adjudicated was denied when the  
20 facility failed to promptly forward documents to the Mason County Prosecutor and Mason  
21 County Superior Court (ECF No. 5, original complaint, and ECF No. 9, proposed amended  
22 complaint). The Court entered an Order to Show Cause because plaintiff was challenging a  
23 current conviction, which he cannot do in a civil rights action (ECF No. 6).  
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1 Also, in the proposed amended complaint plaintiff informs the Court that he currently has  
2 a pending habeas corpus petition based on the same facts before the Honorable Judge Strombom  
3 under cause number 11-cv-5465BHS/KLS.

4 Plaintiff has filed a motion to expand “the record,” a motion for leave to file an amended  
5 complaint, and a motion asking to stay this action, which he calls a “petition.” (ECF No. 8, 9,  
6 and 10). None of these motions addresses the problems raised in the Court’s order to show  
7 cause. Also, because a habeas corpus case has been filed under a separate cause number, but has  
8 not yet been resolved, this action is premature and these defects cannot be cured through  
9 amendment or further proceedings.

10 All pending motions are DENIED. A Report and Recommendation to dismiss the action  
11 without prejudice will be submitted separately.

12 Dated this 9<sup>th</sup> day of January, 2012.

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15 J. Richard Creatura  
16 United States Magistrate Judge  
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